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ON PETITION

In re Application of
Butler et al.
Application No. 10/059,044
Filed: January 30, 2002
Attorney Docket No. 1348.105-US

This is a decision on the petition for revival under 37 CFR 1.137 filed on August 30, 2005. This petition is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.
The petition to revive under 37 CFR 1.137(a) is **DISMISSED**.

This application was held abandoned April 2, 2004 for failure to timely reply to the non-final Office Action mailed on March 1, 2004. The non-final Office Action set a one (1) month extendable time period for reply. A Notice of Abandonment was mailed October 5, 2004.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on March 30, 2004. As evidence, petitioner has submitted a copy of a return postcard date stamped by the Office acknowledging receipt of the reply. Additionally, petitioner has supplied a copy of the previously mailed correspondence.

The response submitted March 30, 2004 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 3600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions